

Fed.R.Civ.P. 15(a)(2).

## DISCUSSION

Plaintiff has filed an “Amended Complaint” (Document No. 13) pursuant to Fed.R.Civ.P. 15(a)(1)(B). Although *pro se* Plaintiff’s Amended Complaint is a few days late, the undersigned finds that it should be allowed and will supersede the original Complaint. See (Document No. 11). As such, the undersigned will direct that Defendant’s “Motion To Dismiss” (Document No. 7) be denied as moot.

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.”); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Brown v. Sikora and Associates, Inc., 311 Fed.Appx. 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at \*4 (W.D.N.C. Oct. 30, 2007).

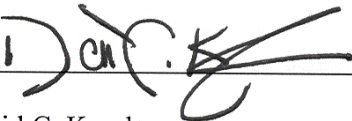
This decision is without prejudice to Defendant filing a revised motion to dismiss that addresses the Amended Complaint.

## CONCLUSION

**IT IS, THEREFORE, ORDERED** that Defendant’s “Motion To Dismiss” (Document No. 7) is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: March 3, 2020

  
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David C. Keesler  
United States Magistrate Judge

